



2005 SENATE BILL 19

January 24, 2005 – Introduced by Senators STEPP, DARLING, CARPENTER, KANAVAS, LEIBHAM, BROWN, LAZICH, ERPENBACH and GROTHMAN, cosponsored by Representatives VOS, LEHMAN, TURNER, GUNDERSON, KERKMAN, NASS, GUNDRUM, PETTIS, McCORMICK, AINSWORTH, KREIBICH, ALBERS, KRAWCZYK, HONADEL and HUNDERTMARK. Referred to Committee on Job Creation, Economic Development and Consumer Affairs.

1 **AN ACT** *to amend* 77.707 (1), 229.685 (1), 229.685 (2) and 229.79; and *to create*
2 13.94 (1) (r) of the statutes; **relating to:** the sunset of local professional baseball
3 park district sales and use taxes and restricting the use of sales and use tax
4 revenue and auditing the finances of a local professional baseball park district.

Analysis by the Legislative Reference Bureau

Under current law, a local professional baseball park district (district) may collect sales and use taxes from the sale of tangible personal property and taxable services in the district. The district may not collect such taxes after the calendar quarter in which the district certifies to the Department of Revenue that the district has retired all of its bonds. Under this bill, the district may not collect sales and use taxes in the district after the calendar quarter ending on December 31, 2014. In addition, the revenue from such taxes must be used exclusively for purposes that are directly related to the operation of baseball park facilities and debt retirement. Under the bill, the Legislative Audit Bureau must biennially conduct a financial audit of the district.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 19**SECTION 1**

1 **SECTION 1.** 13.94 (1) (r) of the statutes is created to read:

2 13.94 (1) (r) Biennially conduct a financial audit of a district, as defined in s.
3 229.65 (5), to determine whether the revenue from the taxes imposed by the district
4 under subch. V of ch. 77 is being used for the purposes specified under s. 229.685 (1).
5 The legislative audit bureau shall file a copy of the audit report under this paragraph
6 with the distributees specified in par. (b).

7 **SECTION 2.** 77.707 (1) of the statutes is amended to read:

8 77.707 (1) Retailers and the department of revenue may not collect a tax under
9 s. 77.705 for any local professional baseball park district created under subch. III of
10 ch. 229 after the calendar quarter ~~during which the local professional baseball park~~
11 ~~district board makes a certification to the department of revenue under s. 229.685~~
12 ~~(2) ending on December 31, 2014~~, except that the department of revenue may collect
13 from retailers taxes that accrued before that calendar quarter and fees, interest and
14 penalties that relate to those taxes.

15 **SECTION 3.** 229.685 (1) of the statutes is amended to read:

16 229.685 (1) The district board shall maintain a special fund into which it
17 deposits only the revenue received from the department of revenue, that is derived
18 from the taxes imposed under subch. V of ch. 77, and may shall use this revenue only
19 exclusively for purposes directly related to the operation of existing baseball park
20 facilities and the corresponding debt retirement.

21 **SECTION 4.** 229.685 (2) of the statutes is amended to read:

22 229.685 (2) If the district board determines that the revenues in the special
23 fund under this section exceed current operating expenses for the operation of
24 baseball park facilities, the district board shall apply the excess to either fund a fund
25 for maintenance costs and capital improvements to existing baseball park facilities

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1 or to retire bonds issued for the initial construction of baseball park facilities, and
2 any bonds issued to fund or refund those bonds, prior to their maturity. As soon as
3 practicable after the retirement of all bonds issued for the initial construction of
4 baseball park facilities and all bonds issued to fund or refund those bonds and after
5 funding a fund for maintenance costs and capital improvements to existing baseball
6 park facilities sufficiently to meet any maintenance obligation or any such capital
7 improvement obligations between the district and any professional baseball team
8 using baseball park facilities constructed under this subchapter as a home stadium,
9 the district board shall make a certification to the department of revenue to that
10 effect.

11 **SECTION 5.** 229.79 of the statutes is amended to read:

12 **229.79 Budgets; rates and charges; audit.** A district shall adopt a calendar
13 year as its fiscal year for accounting purposes. The district board shall annually
14 prepare a budget for the district. Rates and other charges received by the district
15 shall be used for the general expenses and capital expenditures of the district and
16 to pay interest, amortization, and retirement charges on bonds. A district shall
17 maintain an accounting system in accordance with generally accepted accounting
18 principles and shall have its financial statements and debt covenants audited
19 annually by an independent certified public accountant and biennially by the
20 legislative audit bureau under s. 13.94 (1) (r).

21 (END)